

UNITED STATES DISTRICT COURT  
WESTERN DISTRICT OF WASHINGTON  
AT TACOMA

JESSE RAY ABRAMS,

Plaintiff,

v.

CHAD M ENRIGHT, et al.,

Defendants.

CASE NO. C22-5826 BHS

ORDER

THIS MATTER is before the Court on Magistrate Judge Grady J. Leupold's Report and Recommendation (R&R), Dkt. 49, recommending that the Court grant Defendants' motion to dismiss, Dkt. 31. Abrams is a pretrial detainee in Kitsap County. He asserts claims against prosecutor Chad Enright and the two Bremerton Police Officers involved in his 2022 arrest, Jeffrey Schaefer and Steven Polansky, claiming they violated (and are continuing to violate) his constitutional rights. Abrams also asserts that Polansky assaulted him in June 2019. He sued in December 2022, seeking release from custody and damages. Dkt. 1-1.

1 The Court recently adopted two prior R&Rs, Dkts. 41 and 46, denied Abrams's  
2 motion for summary judgment, and dismissed his claims against prosecutor Enright. Dkt.  
3 50.

4 Shaefer and Polansky seek dismissal on two bases: Shaefer asserts that Abrams's  
5 claims are duplicative to those he asserted against Shaefer in a prior pending case,  
6 *Abrams v. Shaefer*, No. 22-cv-05714-JCC-GJL, and Polansky asserts that Abrams's  
7 assault claim against him is time-barred under the two year limitations period provided  
8 by RCW 4.16.100. Dkt. 31.

9 Abrams has not objected to the R&R.

10 A district court may dismiss a 42 U.S.C. § 1983 claim that is clearly duplicative of  
11 a pending, earlier-filed claim. *See, e.g., Kehano v. Hawaii*, 202 F. App'x. 208, 209 (9th  
12 Cir. 2006). Abrams's claim against Shaefer is duplicate of his prior case against Shaefer,  
13 and it is DISMISSED without prejudice. Abram's assault claim is time-barred as a matter  
14 of law.

15 The R&R is **ADOPTED**. The Motion to Dismiss, Dkt. 31, is **GRANTED**.  
16 Abrams's claims against Shaefer are **DISMISSED without prejudice**, and his claims  
17 against Polansky are **DISMISSED with prejudice**.

18 The Clerk shall enter a JUDGMENT and close the case.

19 IT IS SO ORDERED.

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1 Dated this 13th day of June, 2023.

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4 BENJAMIN H. SETTLE  
5 United States District Judge  
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